



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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(603) 271-2900 FAX (603) 271-2456



Machine Craft Corporation, Inc.
117 Hall Street
Concord, NH 03301

RE: EPA ID No. NHD500018767

**ADMINISTRATIVE ORDER
No. WMD 04-07**

July 28, 2004

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to Machine Craft Corporation, Inc. pursuant to RSA 147-A:14. This Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 29 Hazen Drive, Concord, NH 03301-6509.
2. Machine Craft Corporation, Inc. ("Machine Craft") is a New Hampshire corporation that registered with the New Hampshire Secretary of State's Office on June 22, 1983. Machine Craft has a mailing address of, and operates a facility located at, 117 Hall Street, Concord, New Hampshire, 03301.

C. STATEMENT OF FACTS AND LAW

1. RSA 147-A authorizes DES to regulate the management, including storage, treatment, containerization, transportation, and disposal of hazardous wastes. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted New Hampshire Administrative Rules Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. Machine Craft is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities on January 9, 1997. EPA Identification Number NHD500018767 was assigned to Machine Craft's site located at 17 Hall Street, Concord, NH (the "Facility").

3. On December 19, 2003, DES personnel conducted an inspection (the "Inspection") of the Facility. The purpose of the Inspection was to determine Machine Craft's compliance status relative to RSA 147-A and the Hazardous Waste Rules.
4. During the Inspection, DES personnel observed a wastewater evaporation unit that is used to evaporate "Used Water-soluble Coolant."
5. During the Inspection, DES personnel observed a used oil fuel burner that is used to burn a mixture of "Evaporator Sludge" and "Used Hydraulic/Gear Oil."
6. During the Inspection, DES personnel observed sixteen (16) 55-gallon containers of "Evaporator Sludge" and four (4) 55-gallon containers of "Used Water-soluble Coolant" stored in an area rented from Merrimack Sheet Metal, located in an adjacent building.
7. At the time of the Inspection, DES personnel requested that Machine Craft discontinue the use of the evaporator and the used oil burner until used oil determinations were performed.
8. On January 8, 2004, DES received a facsimile from Machine Craft that provided the analytical results of an initial used oil determination performed on a sample of the "Used Water-soluble Coolant." The analytical results indicated that the "Used Water-soluble Coolant" had a flash point of 125 degrees Fahrenheit.
9. On February 26, 2004 DES received a submittal from Machine Craft's consultant Ron Rayner, that indicated the "Used Water-soluble Coolant" had been mixed with a F003/F005 listed hazardous waste ("Used Lacquer Thinner") which resulted in the 125 degree Fahrenheit flash point. The submittal stated that rags contaminated with spent F003/F005 solvents are used to clean up spilled "Water-soluble Coolant"; the rags are then wrung out over the coolant bath, subsequently mixing the spent F003/F005 solvent with the "Water-soluble Coolant."
10. On March 23, 2004 DES received a submittal from Ron Rayner, which stated that Machine Craft will institute best management practices to eliminate the mixing of the spent F003/F005 solvents with the "Water-soluble coolant"; this will be achieved by segregating rags used with F003/F005 solvent and rags used to clean up spilled "Water-soluble Coolant."
11. Env-Wm 404.01(a)(1) specifies that any waste or material, mixed with any waste listed in Env-Wm 402.06(a) (Generic Industrial Process Wastes) shall be regulated as a hazardous waste.
12. The "Used Water-soluble Coolant" is an F003/F005 listed hazardous waste, as specified in Env-Wm 404.01(a)(1).
13. The "Evaporator Sludge" is an F003/F005 listed hazardous waste, as specified in Env-Wm 404.01(a)(1).

14. On April 23, 2004, DES issued a Notice of Findings ("NOF") to Machine Craft, which identified the issues noted during the inspection and request Machine Craft to provide information thereon.
15. On May 13, 2004 DES received a response to the NOF from Ron Rayner. In the response, Machine Craft estimated that 1600 gallons of "Used Water-soluble Coolant" had been evaporated in the wastewater evaporation unit since its initial operation in December of 2000, and 650 gallons of a mixture of "Evaporator Sludge" and "Used Hydraulic/Gear Oil" had been burned in the used oil burner since its initial operation in December of 2002.
16. RSA 147-A:4, I, requires any person operating a hazardous waste facility to first obtain a permit from DES.
17. Evaporation of the hazardous waste "Used Water-soluble Coolant" in the evaporation unit is a form of treatment which requires a hazardous waste facility permit.
18. Env-Wm 353.01 specifies that an operator can obtain a hazardous waste facility permit through DES providing all applicable sections of Part Env-Wm 353 are met.
19. DES has no record of receiving a hazardous waste facility permit application from Machine Craft to treat the hazardous waste "Used Water-soluble Coolant" at the Facility and no such permit has been issued.
20. Machine Craft has been evaporating the hazardous waste "Used Water-soluble Coolant" in the evaporation unit without a hazardous waste facility permit.
21. Burning of the hazardous waste "Evaporator Sludge" in the used oil burner is a form of disposal which requires a hazardous waste facility permit.
22. DES has no record of receiving a hazardous waste facility permit application from Machine Craft to burn the hazardous waste "Evaporator Sludge" at the Facility and no such permit has been issued.
23. Machine Craft has been burning the hazardous waste "Evaporator Sludge" in the used oil burner without a hazardous waste facility permit.
24. Env-Wm 502.01 requires a generator of a waste to determine if the waste is a hazardous waste.
25. At the time of the Inspection, no adequate formal hazardous waste determination had been performed on the "Waste Lamps", "Used Water-soluble Coolant", and "Evaporator Sludge" generated by Machine Craft. DES personnel also confirmed that Machine Craft has disposed of waste lamps in the on-site dumpster.

26. At the time of the Inspection, the "Used Water-soluble Coolant," the "Evaporator Sludge," and the "Used Hydraulic/Gear Oil" were managed as used oil for recycle.
27. Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.
28. At the time of the Inspection, sixteen (16) 55-gallon containers of "Evaporator Sludge," and four (4) 55-gallon containers of "Used Water-soluble Coolant" observed in the "Storage Area" and one (1) 55-gallon container of "Evaporator Sludge," and one (1) 55-gallon container of "Used Water-soluble Coolant" observed in the "Manufacturing Area" were not labeled with the words "Used Oil for Recycle." (See the attached Inventory).
29. Env-Wm 807.06(b)(6) requires that generators maintain and operate containers of used oil for recycle so as to prevent discharge of the used oil into ground waters.
30. At the time of the Inspection, Machine Craft was storing the sixteen (16) 55-gallon containers of "Evaporator Sludge," and the four (4) 55-gallon containers of "Used Water-soluble Coolant" next to and on top of a sewage lift station that discharges to the Facility's septic system with no secondary containment thus posing a risk of discharge via the septic system.
31. Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03.
32. At the time of the Inspection, Machine Craft had not conducted adequate used oil determinations for the "Used Hydraulic/Gear Oil" and the "Evaporator Sludge."
33. Env-Wm 807.10(b)(1) and Env-Wm 807.10(b)(3) require used oil burners to notify DES of their used oil management activities.
34. At the time of the Inspection, Machine Craft had not notified DES of its used oil management activities.
35. Env-Wm 1102.03(c) and Env-Wm 1112.03(a) require universal waste handlers to store universal waste lamps in containers.
36. At the time of the Inspection, Machine Craft was not storing four (4) universal waste lamps in containers.
37. Env-Wm 1102.03 and Env-Wm 1112.04 require universal waste handlers to mark universal waste lamps with the words "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)."
38. At the time of the Inspection, Machine Craft had not marked the four (4) universal waste lamps with the words "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)."

D. DETERMINATION OF VIOLATIONS

1. Machine Craft has violated RSA 147-A:4, I and Env-Wm 353.01 by failing to obtain a permit for the on-site treatment through evaporation of an F003/F005 hazardous waste (*i.e.*, "Used Water-soluble Coolant").
2. Machine Craft has violated RSA 147-A:4, I and Env-Wm 353.01 by failing to obtain a permit for the on-site disposal of an F003/F005 hazardous waste in the used oil burner (*i.e.*, "Evaporator Sludge").
3. Machine Craft has violated Env-Wm 502.01 by failing to conduct adequate hazardous waste determinations for the "Waste Lamps," "Used Water-soluble Coolant," and "Evaporator Sludge" waste streams.
4. Machine Craft has violated Env-Wm 807.06(b)(4) by failing to mark the used oil containers with the words "Used Oil for Recycle."
5. Machine Craft has violated Env-Wm 807.06(b)(6) by failing to maintain and operate containers so as to prevent discharge of used oil into ground waters.
6. Machine Craft has violated Env-Wm 807.06(b)(7) by failing to conduct adequate used oil determinations for the "Used Hydraulic/Gear Oil" and the "Evaporator Sludge" waste streams.
7. Machine Craft has violated Env-Wm 807.10(b)(1) and Env-Wm 807.10(b)(3) by failing to notify DES of used oil fuel burner activities.
8. Machine Craft has violated Env-Wm 102.03(c) and Env-Wm 1112.03(a) by failing to store universal waste lamps in containers.
9. Machine Craft has violated Env-Wm 1102.03 and Env-Wm 1112.04 by failing to mark universal waste lamps with the words "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)."

E. ORDER

Based on the above findings, DES hereby orders Machine Craft as follows:

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| 1 | Cease and desist the treatment through evaporation of the hazardous waste "Used Water-soluble Coolant." | IMMEDIATELY |
| 2. | Cease and desist the disposal of the hazardous waste "Evaporator Sludge" in the used oil burner. | IMMEDIATELY |

3 Reduce the quantity of hazardous waste stored on-site to less than 2200 pounds (*i.e.*, ship off-site to a hazardous waste treatment, storage and disposal facility); and comply with the Small Quantity Generator Extended Quantity and Storage Provision requirements, as specified in Env-Wm 508.03. If Machine Craft is unable to comply with the Small Quantity Generator accumulation limits, as specified in Env-Wm 508, it must immediately comply with the Full Quantity Generator requirements, as specified in Env-Wm 509. **30 DAYS**

4. Perform a hazardous waste determination as specified in Env-Wm 502.01 for the "Waste Lamps," "Used Water-soluble Coolant", and "Evaporator Sludge"; and submit the results along with any supporting data used to make the hazardous waste determination to DES. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules, Env-Wm 100-1100. **60 DAYS**

The hazardous waste determinations for the "Used Water-soluble Coolant" and the "Evaporator Sludge" shall be performed following the institution of the best management practices that are referenced above, in Section C Number 15.

If the "Used Water-soluble Coolant" or the "Evaporator Sludge" wastes are determined to be hazardous wastes, Machine Craft must immediately comply with the Requirements for Hazardous Waste Generators, as specified in Chapter Env-Wm 500 of the Hazardous Waste Rules.

For the waste lamps, Machine Craft may alternatively elect to manage them as "universal waste" in accordance with Env-Wm 1100. The DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and a DES "Fluorescent Lamp and Ballast Recycling Facility" list are enclosed.

5 Mark all used oil containers with the words "Used Oil for Recycle." **COMPLETED**

Note: On January 8, 2004, Machine Craft submitted photographs of the used oil containers marked with the words "Used Oil for Recycle."

6 Remove all waste containers in close proximity to the sewer lift station that discharges into the Facility's septic system. **IMMEDIATELY**

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| 7 | Complete the used oil determinations as specified in Env-Wm 807.06(b)(7) for the "Used Hydraulic/Gear Oil" and the "Used Water-soluble Coolant" by testing them for total halogens, and submit the results to DES. | COMPLETED |
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<i>Note: On January 8, 2004, DES received used oil determinations for the "Used Hydraulic/Gear Oil" and the "Used Water-soluble Coolant."</i> | | |
| 8. | Notify DES of all used oil management activities prior to resuming the use of the used oil burner. | 30 DAYS |
| 9. | Store universal waste lamps in containers, as specified in Env-Wm 1112.03(a). | IMMEDIATELY |
| 10. | Mark universal waste lamps with the words "Universal Waste – Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)," as specified in Env-Wm 1112.04. | IMMEDIATELY |
| 11. | Submit a written status report to DES within thirty-five (35) calendar days and a second report within sixty-five (65) calendar days of the date of this Order, certifying that corrective measures have been implemented and compliance achieved. Include in the report supporting documentation describing those measures taken to achieve compliance and copies of any written plans or proceedings developed. | |

Please address all submittals, **other than appeals**, to:

Robert Bishop, Waste Management Specialist
DES, WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

F. APPEAL


Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from DES's Public Information Center at (603) 271-2975 or at <http://www.des.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Machine Craft of the obligation to comply with the Order.


G. OTHER PROVISIONS

Please note that RSA Ch. 147-A provides for civil and criminal penalties and administrative fines for violations of the statute or any rule adopted by DES relative to the statute, as well as for violations of this Order. RSA 147-A:17 provides for civil forfeitures of up to \$50,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

DES will continue to monitor the compliance status of Machine Craft to determine whether the Facility has come into, and is maintaining, full compliance with the applicable rules. Future violations may result in additional enforcement action being taken. Machine Craft is required to maintain compliance with all on-going requirements, including those identified as being "COMPLETED" in Section E of the Order.

Machine Craft may assert a confidentiality claim covering part or all of the information requested which constitutes a trade secret, in accordance with RSA 147-A:7, II. If no such claim accompanies the information when it is received by DES, it may be made available to the public by DES without further notice to Machine Craft.


Anthony P. Giunta, P.G.
Director
Waste Management Division


Michael P. Nolin
Commissioner
Department of Environmental Services

CERTIFIED MAIL/RRR# 7000 1670 0000 0585 8957

cc: DB/RCRA/ORDER/ARCHIVE
Gretchen Hamel, Esq., Legal Unit Administrator, DES Legal Unit
Ron Rayner, Environmental & Industrial Waste Management, Inc., 29 Rumford Street, Concord, NH 03301
Public Information Coordinator, DES
Jennifer Patterson, NHDOJ-OAG
City Clerk, Concord, NH

e-mail: John Duclos, HWCS

enclosure: Hazardous Waste Generator Inspection Report
Hazardous Waste Container Inventories
Fact Sheet #WMD-HW-7, "Universal Waste Lamps: Management Requirements for Handlers and Transporters"
"Fluorescent Lamp and Ballast Recycling Facility" List